

INSIGHTS

108th Congress

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Weekly Summary

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INSIGHTS is prepared expressly for the Department of Energy's Office of Federal Energy Management Programs (FEMP). The purpose of *INSIGHTS* is to provide FEMP management staff with timely information on legislative activities relevant to the program. *INSIGHTS* is prepared for FEMP by Energetics, Incorporated, (202) 479-2748.

I. WEEKLY SUMMARY

CONGRESSIONAL SCHEDULE

Activities of interest scheduled for this week include the following.

HOUSE

- Appropriations subcommittee hearings on 1) Military privatization, 2) Department of Transportation,
 3) Environmental Protection Agency, 4) Department of Homeland Security, 5) U.S. Forest Service,
 and 6) U.S. Fish and Wildlife Service
- Committee on Armed Services and various subcommittee hearings on FY 2002 Defense Authorization bill (includes military construction projects)
- Committee on the Budget hearing on the FY 2005 Budget Resolution

SENATE

- Committee on Armed Services hearing on FY 2005 Defense Authorization bill
- Appropriations subcommittee hearings on FY 2005 Budget Request for the Department of Energy
- Committee on Energy and Natural Resources hearings on the FY 2005 Budget Request for the U.S. Forest Service and the Energy Information Administration Annual Energy Outlook 2004 Forecast
- Committee on the Budget hearing on the FY 2005 Budget Resolution

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II. COMMITTEE ACTIVITY

HOUSE

Leadership Change - Committee on Energy and Commerce – Last week, the House approved Joe Barton (R/TX) by unanimous consent to serve as the new chair of the Committee on Energy and Commerce; he replaces Billy Tauzin (R/LA) who resigned from the committee. Prior to this, Representative Barton served as the Chair of the Subcommittee on Energy and Commerce since 1999. He released a statement last week in which he said:

This committee has a long, distinguished history, and I will work hard to be true to both where I come from and where the committee must go to accomplish its great work.

I will have additional announcements as to new committee structure and placements next week, and look forward to continuing an active agenda.

He noted that his plans include naming of Ralph Hall (R/TX) as Chairman of the Subcommittee on Energy and Air Quality,

Summary of Hearings

FY 2005 Budget Request for the Department of Energy On February 26, the Subcommittee on Interior and Related Agencies (Committee on Appropriations) received testimony from Spencer Abraham regarding the FY 2005 Budget Request for the Department of Energy. In his remarks, the Secretary said, "The budget request maintains presidential commitments to promote energy security and reliability through coal research and development, hydrogen production, fuel cell-powered vehicles, advanced nuclear energy technologies and electric transmission reliability." Committee members support the Administration's request to increase funding for fuel cell research; however, some expressed concern that the request may undercut funding for the agency's energy efficiency programs. Jerry Moran (R/KS) commented on the FY 2005 request, stating that for the past several years, the Administration's request for funding DOE's energy efficiency program has "gone well below the funding levels set by Congress." Committee Chairman Pete Dominici (R/NM) expressed concern that the budget request depletes funds for superconductivity, which would impede efforts to improve reliability of the electric transmission grid. He also referred to the current scaled-down version of a comprehensive energy bill, S.2095, which he introduced last week Chairman Domenici said, "Those who oppose passage of the bill put consumers and our economy at risk for another major blackout." He also rejected Maria Cantwell's (D/WA) efforts to craft a stand-alone electric reliability bill, which she believes Congress would be more willing to pass. To review similar testimony presented to the Senate Committee on Appropriations in early February and summarized in the February 17th edition of *INSIGHTS*, visit www.eere.energy.gov/femp/resources/pdfs/021704insights.pdf.

FY 2005 Budget Request for the Department of the Interior and Related Agencies On February 25, Gale Norton, Secretary of the Department of the Interior, appeared before the Subcommittee on Interior and Related Agencies (Committee on Appropriations). She provided testimony on the President's FY 2005 Budget Request for the Department of Interior Similar testimony was presented previously to the Senate Committee on Appropriations and was summarized in the February 17th edition of INSIGHTS. To read the summary, go to www.eere.energy.gov/femp/resources/pdfs/021704insights.pdf.

FY 2005 Budget Request for the Department of Agriculture On February 25, the Subcommittee on Agriculture, Rural Development and Related Agencies (Committee on Appropriations) received testimony from a panel of senior Department of Agriculture (USDA) officials, including Secretary Ann Veneman. Ms. Veneman's testimony addressed key provisions in the FY 2005 Budget Request of \$82 billion for the Department. Specific funding proposals of interest include:

- > Upgrade of laboratories to improve physical security.
- > Provide \$178 million to complete animal research and diagnostic laboratory at Ames, Iowa.
- Increase procurement of biobased products while reducing dependence on fossil energy-based products derived from foreign oil and natural gas. Implement and administer a government-wide biobased product procurement program, mandated by the 2002 Farm Bill. Develop a model biobased product procurement plan that can be adopted by Federal agencies and will support interagency biobased product procurement efforts.

➤ Continue renovations to the Department of Agriculture's South Building.

Committee member Marcy Kaptur (D/OH), announced that one of her priorities this year is to restore \$100 million in funding to support the USDA biofuels program. Some of the funds would be used to encourage farmers to use renewable energy to power equipment as well as for the production of renewable energy on farms. She said, "Biofuels turn subsidy into a real product. We have the ability to do it. This is where money can be made and farmers are seeking it." The Administration has requested \$252 million for USDA's biomass, bioenergy, and related programs; this represents a \$95 million decrease over FY 2004.

FY 2005 Defense Authorization Bill On February 25 and February 26, the Committee on Armed Services held a hearing on the FY 2005 Defense Authorization bill; the hearing focused on the bill's provisions for the Army and Air Force. Similar testimony was presented to the Senate Committee on Armed Services earlier this month and was summarized in the February 17th edition of INSIGHTS. To read the summary, go to www.eere.energy.gov/femp/resources/pdfs/021704insights.pdf.

FY 2005 Defense Authorization Bill On February 26, the Subcommittee on Readiness (Committee on Armed Services) received testimony on the FY 2005 Defense Authorization bill. The hearing focused on the Air Force's Military Construction and Family Housing Programs. Testimony was delivered by senior Department of Defense (DOD) officials, including Raymond DuBois, Jr., Deputy Under Secretary of Defense, Installations and Environment; Nelson Gibbs, Assistant Secretary of the Air Force, Installations, Environment, and Logistics; Dean Fox, Air Force Civil Engineer; David Brubaker, Deputy Director of the Air National Guard; and William Rajczak, Deputy to the Chief of the Air Force Reserve. The \$4.8 billion request includes the following funding provisions:

- ➤ \$2.6 billion for Total Force military construction and Military Family Housing (represents a \$200 million increase over 2004 request), and includes:
 - o \$664 million for Active military construction
 - o \$127 million for Air National Guard military construction
 - o \$84 million for Air Force Reserve military construction
 - o \$1.7 billion for Military Family Housing
- \$2.2 billion for Operations and Maintenance (O&M) Sustainment, Restoration, and Modernization (SRM) funding (represents a \$200 million increase over 2004 request)

FY 2005 Budget Request for the National Park Service and Bureau of Land Management and Ongoing Efforts to Reduce the Agencies' Maintenance Backlogs On February 26, the Subcommittee on National Parks, Recreation and Public Lands (Committee on Resources) heard from Kathleen Clarke of the Bureau of Land Management and Fran Mainella of the National Park Service (NPS) on the FY 2005 Budget Request for those agencies. Ms. Mainella told the subcommittee that the NPS has a budget of \$4.9 billion to address, over a five-year period, maintenance backlog projects. She told subcommittee members that while the agency cannot quantify the actual size of the current backlog, NPS is meeting its spending goals. She said, "The backlog is not really a number. It really needs to be looked at as the evolving condition of the parks." Initially, the Administration sought to "eliminate" maintenance backlog projects; however, the agency states that it plans to "address" the backlog by 2006. For FY 2005, the Administration requests \$2.4 billion for the NPS maintenance backlog program; this represents an increase of \$100 million over FY 2004. In addition, NPS plans to complete by October 2004, a system-wide assessment of National Parks. The purpose of the study is to help NPS establish spending priorities.

Economic Outlook and Current Fiscal Issues On February 25, Federal Reserve Chairman Alan Greenspan testified before the Committee on the Budget on the present and future state of the U.S. economy. Committee Chairman Jim Nussle (R/IA), provided an overview of recent economic data that showed that the GDP experienced its highest surge in 20 years during the third quarter of 2003, at a rate of 8.2 percent. He said that inflation is at its lowest rate in nearly 40 years, exports of goods and services rose in the fourth quarter at a rate of 19 percent (the fastest pace in seven years), and the unemployment rate is down to 5.6 percent compared to 6.3 percent last June.

Mr. Greenspan stated, in part,

The most recent indicators suggest that the economy is off to a strong start in 2004, and prospects for sustaining the expansion in the period ahead are good. The marked improvement in the financial situations of many households and businesses in recent years should bolster aggregate demand. And with short-term real interest rates close to zero, monetary policy remains highly accommodative. Also, the impetus from fiscal policy appears likely to stay expansionary through this year. At the same time, increases in efficiency and a significant level of underutilized resources should help keep a lid on inflation.

This favorable short-term outlook for the U.S. economy, however, is playing out against a backdrop of growing concern about the prospects for the federal budget. As you are well aware, after having run surpluses for a brief period around the turn of the decade, the federal budget has reverted to deficit. The unified deficit swelled to \$375 billion in fiscal 2003 and appears to be continuing to widen in the current fiscal year. According to the latest projections from the Administration and the Congressional Budget Office (CBO), if current policies remain in place, the budget will stay in deficit for some time.

SENATE

Legislation

FY 2005 Budget Resolution While the House and Senate are gearing up to produce a non-binding FY 2005 Budget Resolution, the Senate Republican Leadership is trying to meet FY 2004 resolution establishing a funding level of \$814 billion. The Administration's discretionary FY 2005 Budget Request is for \$818 billion; actual FY 2004 discretionary funding totaled \$786 billion. The annual budget resolution provides a framework for the Committee on Appropriations Chair to allocate 302(b) funding to each of the 13 appropriation subcommittees.

Comprehensive Energy Legislation While no action was taken last week on the Senate's new energy bill, S. 2095, Majority Leader Bill Frist (R/TN) said he hopes to begin consideration of the bill on the Senate floor in mid-March by bypassing a full committee mark up. However, speculation among others is that the bill may be put aside until after the Senate recess, which begins on March 15. A delay in acting on the bill will be due to Republican and Democratic negotiations regarding the number and content of bill amendments as well as Senate plans to address other pressing legislation. Minority Leader Tom Daschle (D/SD) noted his agreement with Majority Leader Frist that the Senate should complete the bill within a matter of weeks; however, Senator Daschle said the schedule would also allow time for members to debate the revised bill

Meanwhile, Pete Domenici (R/NM), Chair of the Committee on Energy and Natural Resources released several statements last week on his revised energy bill. In three separate press releases, he addressed the

bill in terms of 1) job creation, 2) swift passage of the bill, and 3) relationship to a decline in world oil supplies. With respect to job creation, Chairman Domenici said the bill "creates more than 800,000 new jobs and does more to revitalize rural America than any legislation passed by Congress in the past 30 years – at less than half the cost of the old energy bill....I believe this energy bill does more to increase energy supply, encourage conservation and lower energy prices in every part of this country than any energy bill you are likely to see in the next several years." In his remarks regarding swift passage of the bill, the Chairman said, "Congress must act now. The energy bill pending before the Senate has a reliability provision that dramatically changes the way we police electricity grids in this country." In response to a recent *New York Times* article on the decline in Saudi oil reserves, Chairman Domenic released a statement that said in part, "President Bush had the vision to see past oil imports, OPEC quotas and carbon emissions to a future of hydrogen-powered cars, clean air and energy self-reliance for this great country."

The House Republican Leadership continues to urge the Senate to forego the revised Senate bill (S. 2095) and pass the Conference Report for H.R. 6, which passed the House last year.

Summary of Hearings

Reliability of Electric Markets On February 24, the Committee on Energy and Natural Resources received testimony on challenges facing the reliability of the Nation's energy supply from a panel that included Michehl Gent of the North American Electric Reliability Council (NERC), Jimmy Glotfelty, of DOE's Office of Electric Transmission and Distribution (OETD), Louise McCarren of the Western Electricity Coordinating Council (WECC), Phillip G. Harris of the PJM Interconnection, and James Torgerson of the Midwest Independent Transmission System Operator (MISO).

NERC's Michehl Gent told members that his organization supports the findings of the U.S – Canada Power System Outage Task Force's interim report. He also asked Congress to pass reliability legislation, stating that "Legislation to accomplish [improved reliability] is included in *H.R. 6...* Senator Domenici included that same language in *S. 2095*, the slimmed-down version of a comprehensive energy bill. That language enjoys widespread support from all parts of the industry, as well as customers and regulators. I believe that if the reliability legislation had been passed two years ago, we would not have had the August 14 blackout." Mr. Gent also provided 12 recommendations on ways to improve operating systems and measures to reduce the likelihood of another wide-scale blackout; the recommendations were based on input received from 166 of the 168 reliability coordinators. The NERC Steering Committee reviewed the coordinators' comments highlighting the following recommendations:

- Correct the direct causes of the August 14, 2003, blackout
- > Strengthen NERC's Compliance Enforcement program
- ➤ Initiate control area and reliability coordinator reliability readiness audits
- > Evaluate vegetation management procedures and results
- Establish a program to track implementation of recommendations
- > Improve operator and reliability coordinator training
- > Evaluate reactive power and voltage control practices

- > Improve system protection to slow or limit the spread of future cascading outages
- > Clarify reliability coordinator and control area functions, responsibilities, capabilities and authorities
- > Establish guidelines for real-time operating tools
- > Evaluate lessons learned during system restoration
- Install additional time-synchronized recording devices as needed
- Reevaluate system design, planning and operating criteria

Jimmy Glotfelty, Director of DOE's Office of Electric Transmission and Distribution (OETD), stated that "despite the problems in our reliability institutions and practices that have been identified to date in the Task Force's investigation of the August 14 blackout – with invaluable support and cooperation from NERC and other industry experts across the U.S. and Canada – I believe that our electric system is being operated more conservatively today than it was on, say, August 13, and this could mean greater reliability." He said that a combination of factors has contributed to the improved grid reliability, including:

- ➤ The letter from NERC's Board of Trustees on October 10, 2003, directing the heads of all control area and reliability coordinator organizations to take a series of near-term actions to protect reliability.
- ➤ The Federal Energy Regulatory Commission's (FERC) order of December 24, 2003, to FirstEnergy, directing the company to implement a series of remedial actions by June 30, 2004.
- ➤ Initiatives undertaken by the Midwest Independent System Operator (MISO) to address the deficiencies in its tools and procedures identified in the task force's interim report as well as their new joint operating agreement with PJM.
- A general heightening of awareness since August 14, particularly due to the issuance of the interim report, regarding the importance of reliability.

Mr. Glotfelty suggested that government entities such as Congress, Federal agencies, state legislatures, and regulatory agencies, must be given the responsibility for developing long term reliability measures. These measures include requiring mandatory compliance with reliability standards, enacting comprehensive energy legislation, and developing reliability plans and audits, among other initiatives. The U.S – Canada Power System Outage Task Force report, which will be published in March, will include recommendations on how to implement these measures.

Phillip Harris of the PJM Interconnection, supported the institution of transparent and independent regional planning that will provide a "big picture" look at the overall grid. He also said that FERC should play the "role of regulator right" and continue strong, active oversight in the adoption and enforcement of reliability standards. He stated, "FERC's oversight over reliability must not be a passive one—simply rubber stamping proposals that come before it. Reliability and market issues are so inextricably intertwined that the regulator must have the tools and authority to fully and swiftly address the intertwined relationship of markets and reliability."

Louise McCarren of WECC, spoke of the new PJM-MISO Joint Operating Agreement (JOA) developed by PJM and the Midwest ISO (MISO) that will enhance the reliability of the electric power grid in the

regions. The JOA provides a more extensive and detailed geographical perspective, the tools to evaluate and take actions to mitigate conditions that could lead to service interruptions. The agreement will also improve inter-regional communications, provide for the continuous exchange and increased comprehensiveness of data, establish procedures for a 'redispatch' of generation within each region to alleviate congestion in the other region, establishes procedures to "manage seams effectively."

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STATUS OF FY 2005 APPROPRIATIONS

No FY 2005 appropriations bills have been introduced.

CONFERENCE COMMITTEES/VOTES

No activities of interest to report.

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III. NEW LEGISLATION

(Note: Once a new bill is introduced, the Government Printing Office generally requires from several days to one week to make the bill available in print)

HOUSE

No new legislation of interest to report.

SENATE

No new legislation of interest to report.

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IV. ADMINISTRATION INITIATIVES

No new initiatives of interest to report.

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V. HEARINGS SCHEDULE

HOUSE - COMMITTEE ON APPROPRIATIONS

Date/Committee	Chair	Hearing Title/Issues	Witnesses	Time/ Location
March 3 – Subcommittee on Military Construction (NEW)	Joe Knollen- berg (R/MI)	Hearing – FY 2005 Budget Request for the Family Housing Privatization	William Armbruster, Deputy Assistant Secretary of the U.S. Army for Privatization and Partnerships	9:30 a.m. Room B-300 Rayburn Office Building
March 3 – Subcommittee on Transportation and Treasury, and Independent Agencies (NEW)	Ernest Istook (R/OK)	Hearing – FY 2005 Budget Request for the Department of Transportation	Norman Mineta, Secretary of Transportation	10:00 a.m. Room 2358 Rayburn Office Building
March 3 – Subcommittee on Interior and Related Agencies (NEW)	Charles Taylor (R/NC)	Hearing – FY 2005 Budget Request for the U.S. Forest Service	TBA	10:00 a.m. Room B-308 Rayburn Office Building
March 4 – Subcommittee on Interior and Related Agencies (NEW)	Charles Taylor (R/NC)	Hearing – FY 2005 Budget Request for the U.S. Fish and Wildlife Service	TBA	10:00 a.m. Room B-308 Rayburn Office Building
March 4 – Subcommittee on Veterans Affairs and Housing and Urban Development, and Independent Agencies (NEW)	James Walsh (R/NY)	Hearing – FY 2005 Budget Request for the Environmental Protection Agency	TBA	1:30 p.m. Room 2359 Rayburn Office Building

Date/Committee	Chair	Hearing Title/Issues	Witnesses	Time/ Location
March 4 – Subcommittee on Homeland Security (NEW)	Harold Rogers (R/KY)	Hearing – FY 2005 Budget Request for the Department of Homeland Security	Tom Ridge, Secretary of the Department of Homeland Security	10:00 a.m. Room 2359 Rayburn Office Building
March 17 – Subcommittee on Energy and Water Development (NEW)	David Hobson (R/OH)	Hearing – FY 2005 Budget Request for the Department of Energy (offices of Science, Nuclear Energy, and Renewable Energy)	TBA	10:00 a.m. Room 2362B Rayburn Office Building
March 18 – Subcommittee on Military Construction (NEW)	Joe Knollen- berg (R/MI)	Hearing – FY 2005 Budget Request for the Air Force	John Jumper, Chief of Staff of the U.S. Air Force Nelson Gibbs, Assistant Secretary of the Air Force for Installations, Environment and Logistics of U.S Air Force	9:30 a.m. Room B-300 Rayburn Office Building
March 31 – Subcommittee on Interior and Related Agencies (NEW)	Charles Taylor (R/NC)	Hearing – FY 2005 Budget Request for the National Park Service	TBA	10:00 a.m. Room B-308 Rayburn Office Building

(NEW)

HOUSE - AUTHORIZATIONS/OVERSIGHT

Date/Committee	Chair	Hearing Title/Issues	Witnesses	Time/ Location
March 3 –	Duncan	Hearing –	John Abizaid, U.S.	10:00 a.m.
Committee on	Hunter (R/CA)	FY 2005 Defense	Army Commander, U.S.	Room 2118 Rayburn Office
Armed Services	(K/CA)	Authorization bill	Central Command	Building
				•
(NEW)			Peter Rodman,	
			Assistant Secretary of Defense for	
			International Security	
			Affairs	

Date/Committee	Chair	Hearing Title/Issues	Witnesses	Time/ Location
March 3 – Committee on the	Jim Nussle (R/IA)	Hearing – FY 2005 Budget Resolution	N/A	2:00 p.m. Room 210 Cannon Office
Budget				Building
(NEW)				
March 4 – Subcommittee on Readiness	Joel Hefley (R/CO)	Hearing – FY 2005 Defense Authorization bill (focus:	Geoffrey Prosch, Acting Assistant Secretary of U.S. Army, Installations	2:00 p.m. Room 2118 Rayburn Office Building
(Committee on		Authorization bill (focus: Military Construction Budget Request for the Programs of the Department of the Army and the Department of the Navy)	and Environment	Dunung
Armed Services) (NEW)			Larry Lust, U.S. Army Assistant Chief of Staff for Installation Management	
			Walter Pudlowski, U.S. Army Special Assistant to the Director, Army National Guard	
			Gary Profit, U.S. Army Deputy Chief, Army Reserve	
			Panel 2: H. T. Johnson Assistant Secretary of the Navy, Installations and Environment	
			Christopher Weaver, U.S. Navy Commander, Navy Installations	
			Willie Williams, U.S. Marine Corps Assistant Deputy Commandant, Installations and Logistics (Facilities) Commandant of the Marine Corps	

SENATE - COMMITTEE ON APPROPRIATIONS

Date/Committee	Chair	Hearing Title/Issues	Witnesses	Time/ Location
March 3 –	Charles	Hearing –	TBA	10:00 a.m.
	Taylor			Room 138
Subcommittee on	(R/NC)	FY 2005 Budget Request for	•	Dirksen Office
Interior and Related		the Department of Energy		Building
Agencies				
(NEW)				
March 4 –	Charles	Hearing –	Spencer Abraham,	9:30 a.m.
	Taylor	G	Secretary, Department	Room 124
Subcommittee on	(R/NC)	FY 2005 Budget Request for	of Energy	Dirksen Office
Interior and Related	,	the Department of Interior		Building
Agencies		and Related Agencies (focus:		-
-		funding for Department of		
(NEW)		Energy)		

SENATE - AUTHORIZATIONS/OVERSIGHT

Date/Committee	Chair	Hearing Title/Issues	Witnesses	Time/ Location
March 2 –	John Warner	Hearing –	Les Brownlee, Acting Secretary, U.S. Army	9:30 a.m. Room 216
Committee on Armed Services	(R/VA)	FY 2005 Defense Authorization bill	Gordon England, Secretary, U.S. Navy	Hart Office Building
			James Roche, Secretary, U.S. Air Force	
March 2 –	Pete Domenici	Hearing –	Mark Rey, Under Secretary, Natural	10:00 a.m. Room 366
Committee on Energy and Natural Resources	(R/NM)	FY 2005 Budget Request for the U.S. Forest Service	Resources and Environment, Department of Agriculture	Dirksen Office Building
(NEW)			Dale Bosworth, Chief,	
			U.S. Forest Service	
March 3& 4 –	Don Nickles	Markup –	N/A	Time TBA Room 608
Committee on the Budget	(R/OK)	FY 2005 Budget Resolution		Dirksen Office Building
(NEW)				

Date/Committee	Chair	Hearing Title/Issues	Witnesses	Time/ Location
March 4 –	Pete Dominici	Hearing –	Panel 1:	10:00 a.m. Room 366
Committee on Energy and Natural Resources	(R/NM)	Energy Information Administration (EIA) Annual Energy Outlook 2004 forecast.	Guy Caruso, Administrator, Energy Information Administration, Department of Energy	Dirksen Office Building
		(Testimony will cover supply, demand and price projections for oil, natural gas, nuclear, coal and renewable resources. Witnesses will testify on commercial and market	Panel 2: Richard Sharples, Anadarko Petroleum Corporation	
		perspectives on the state of oil and natural gas markets)	Paul Koonce, Dominion Energy, Inc.	
			Jay Saunders, DeutscheBank	

CONFERENCE COMMITTEE NEGOTIATIONS AND FLOOR VOTES

No activities of interest have been scheduled.

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